

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harry Feigen	Team: Squad #13	CCRB Case #: 201706758	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/14/2017 10:52 AM	Location of Incident: § 87(2)(b)	Precinct: 113	18 Mo. SOL 2/14/2019	EO SOL 2/14/2019	
Date/Time CV Reported Wed, 08/16/2017 5:36 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 08/16/2017 5:36 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Scott Blackburn	10437	941432	113 PCT
2. LT David Goldstein	00000	932721	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Hinchy	19916	962477	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT David Goldstein	Abuse: Lt. David Goldstein authorized the entry and search of § 87(2)(b) in Queens	§ 87(2)(b)
B.LT David Goldstein	Abuse: Lt. David Goldstein authorized the damage of § 87(2)(b)'s property.	§ 87(2)(b)
C.POM Scott Blackburn	Force: PO Scott Blackburn pointed his gun at § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 16, 2017, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On August 14, 2017, at approximately 10:50 a.m., Lt. David Goldstein of the 113th Precinct authorized the entry of officers into § 87(2)(b) (**Allegation A: Abuse of Authority,** § 87(2)(g) Officers damaged a side door in order to gain entry into the house (**Allegation B: Abuse of Authority,** § 87(2)(g) PO Scott Blackburn pointed his gun at § 87(2)(b) when the officers entered the house (**Allegation C: Force,** § 87(2)(g) § 87(2)(b) was arrested for § 87(2)(b)

Findings and Recommendations

Allegation A: Abuse of Authority – Lt. David Goldstein authorized the entry and search of § 87(2)(b) **in Queens.**

Allegation B: Abuse of Authority – Lt. David Goldstein authorized the damage of § 87(2)(b) **property.**

The following is undisputed. On August 14, 2017, at approximately 9:40 a.m., § 87(2)(b) called 911 and stated that someone was trespassing at § 87(2)(b) in Queens. § 87(2)(b) identified himself as the property manager of that building. PO Sean Hinchy and PO Scott Blackburn of the 113th Precinct responded to that location, and spoke with § 87(2)(b) who stated that § 87(2)(b) was owned by the § 87(2)(b) Church, and that he was the property manager for the church. He told the officers that someone had changed the locks on the doors to the house, that someone was inside of the property, and that no one was authorized to reside at that location. Additional officers responded to the location, including Lt. David Goldstein, who decided that the officers would enter the house to arrest any persons trespassing. PO Blackburn broke a panel on a door to the house, unlocked the door, and then officers entered and arrested § 87(2)(b) who had been asleep inside of that location, for trespassing.

§ 87(2)(g)

§ 87(2)(b) stated that he had a lease to live at § 87(2)(b) § 87(2)(b). He claimed to be a minister with the § 87(2)(b) Church, and stated that the church's pastor, § 87(2)(b) had issued him a lease for § 87(2)(b) with a start date of August 6, 2017 (01 Board Review). § 87(2)(b) provided a copy of this lease to the CCRB, and it appears valid (02 Board Review). § 87(2)(b) stated that there was an ongoing legal dispute between certain members of

the church, including § 87(2)(b) and § 87(2)(b) regarding several church-owned properties, including § 87(2)(b).

§ 87(2)(b) affirmed that he was the pastor for the § 87(2)(b) Church, and that he had issued a lease for § 87(2)(b) to reside at § 87(2)(b). § 87(2)(b) stated that he had recently been elected pastor of the church by the congregation, but that a group of church members, including § 87(2)(b) was trying to prevent § 87(2)(b) from becoming the pastor. § 87(2)(b) did not have a copy of the lease he issued § 87(2)(b) as he stated that the police took § 87(2)(b) copy during his arrest, and so § 87(2)(b) subsequently sent § 87(2)(b) his own copy of the lease. § 87(2)(b) could not provide any documentation showing that he was the pastor of the church or that he had the authority to issue a lease for § 87(2)(b) (03 Board Review).

Lt. Goldstein stated that when he arrived at § 87(2)(b) § 87(2)(b) presented him with a deed to § 87(2)(b) as well as documents showing that he had power of attorney for the § 87(2)(b) Church. Upon reviewing these documents, Lt. Goldstein decided that § 87(2)(b) had legal authority over the § 87(2)(b) and that no one was authorized to be inside of that property. § 87(2)(b) told Lt. Goldstein that the officers had his consent to break down a door and enter the house to arrest anyone who was trespassing inside. Lt. Goldstein did not recall if § 87(2)(b) presented any other documents to him, or if the officers conducted any other investigation besides speaking with § 87(2)(b) to verify that he was in fact the property manager for that building. Lt. Goldstein did not recall hearing or seeing anyone inside of § 87(2)(b) prior to deciding that the officers would enter the premises, but he was told by § 87(2)(b) and other officers that they had heard someone inside of the building before Lt. Goldstein responded to the incident. Lt. Goldstein did not recall § 87(2)(b) claiming to have a lease to reside at § 87(2)(b) nor did he recall § 87(2)(b) showing the officers a lease (04 Board Review).

PO Hinchy and PO Blackburn both stated that § 87(2)(b) showed the officers documents identifying himself as the property manager for the § 87(2)(b) Church. The officers could not specify what these documents were. Neither officer conducted any further investigation to verify that § 87(2)(b) was in fact the property manager of § 87(2)(b) and they did not know if Lt. Goldstein took any further investigate steps to verify this. Neither officer observed a person inside of § 87(2)(b) prior to their entry into the premises. Both officers stated that § 87(2)(b) showed them a lease to reside at § 87(2)(b) after he was taken into custody (05 Board Review, 06 Board Review). PO Hinchy vouchered this lease as arrest evidence (07 Board Review).

The investigation was unable to obtain a statement from § 87(2)(b). The first time § 87(2)(b) was called, he refused to answer any questions about the incident. § 87(2)(b) was called back five additional times, and voice messages were left, but § 87(2)(b) did not ever call the

CCRB back. The undersigned investigator visited the § 87(2)(b) Church to obtain more information about § 87(2)(b) but no one was present at the church.

§ 87(2)(g)

[REDACTED]

Allegation C: Force – PO Scott Blackburn pointed his gun at § 87(2)(b)

§ 87(2)(b) stated that when the officers first entered § 87(2)(b), a group of approximately six officers entered, and the first three officers in this group had their guns pointed at § 87(2)(b). The officers told § 87(2)(b) to raise his hands above his head, which § 87(2)(b) did. The officers then walked § 87(2)(b) outside and placed him in handcuffs. § 87(2)(b) did not see at what point the officers stopped pointing their guns at him.

PO Blackburn stated that he was the first officer to enter § 87(2)(b). He had his gun drawn at that time, and pointed it at § 87(2)(b) when he observed § 87(2)(b) in the kitchen. PO Blackburn holstered his gun once the officers placed § 87(2)(b) in handcuffs. Lt. Goldstein was behind PO Blackburn when he entered, but PO Blackburn did not see if Lt. Goldstein had his gun drawn at that time. PO Blackburn did not know if any other officers entered the house initially besides himself and Lt. Goldstein. PO Blackburn stated he has received training that it is a proper tactic for an officer to draw his firearm when making an entry into a home. Additionally, he stated that he drew his firearm because when this job initially came over the radio, it stated that the person inside of § 87(2)(b) had a firearm. PO Blackburn did not recall if § 87(2)(b) said anything in-person to the officers regarding the person inside of § 87(2)(b) having a firearm.

- PO Blackburn has been a member of service for 11 years. There are no substantiated allegations on his record, § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation, due to § 87(2)(b) arrest.
- A notice of claim request was submitted to the NYC Comptroller's Office on November 17, 2017. On November 27, 2017, it was returned with negative results (10 Board Review).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date